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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,089	04/10/2000	David S. Wehrle	00AB078	2586

7590 01/09/2004

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EXAMINER

PERVEEN, REHANA

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 01/09/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/546,089	Applicant(s) WEHRLE ET AL.	
	Examiner Rehana Perveen	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/546,089
Filing Date: April 10, 2000
Appellants: WEHRLE ET AL.

Gregory Turocy
For Appellant

EXAMINER'S ANSWER

MAILED

JAN 09 2004

Technology Center 2100

This is in response to the appeal brief filed 24 October 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 4-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

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The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

6,484,216	ZEGELIN	11-2002
6,052,382	BURKE et al	4-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

II. Claims 4, 7, 9, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Zegelin, Patent No. 6,484,216.

III. As to claim 4, Zegelin teaches a physical media for providing communications to at least one I/O module, the physical media includes a first

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protocol and a second protocol, the first protocol to enable the at least one I/O module to receive the network communications, and the second protocol to provide the network communications to the at least one enabled I/O module (col. 4 line 18 - col. 5 line 32 and col. 7 lines 18-32).

IV. As to claim 7, Zegelin teaches an interface for providing a pass thru for the network communications (interface adapter 16, figure 1, col. 4 lines 18-30).

V. As to claim 9, Zegelin teaches an adapter for establishing network communications (interface adapter 16, figure 1, col. 4 lines 18-30).

VI. As to claim 10, Zegelin teaches the adapter includes at least one processor for enabling the at least one I/O module (col. 4 lines 18-30).

VII. As to claim 12, Zegelin teaches at least one I/O module including a processor for receiving a first protocol as an input and providing the first protocol as an output (col. 4 line 18 - col. 5 line 32 and col. 7 lines 18-32).

Claim Rejections - 35 USC § 103

VIII. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IX. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin, Patent No. 6,484,216.

X. As to claim 6, Zegelin does not expressly teach the second protocol being one of DeviceNet, EtherNet, or ControlNet. Official notice is taken that the

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second protocol being one of a specific type such as DeviceNet, EtherNet, or ControlNet has been quite well known and each of the protocol type's advantages has also been quite well known to one of ordinary skill in the art at the time of the invention, thus rendering it obvious to utilize such protocols, since Zegelin allows the use of different protocols in general.

XI. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin, Patent No. 6,484,216, in view of Burke et al, patent no. 6,052,382.

XII. Burke et al were cited as prior art in the previous office action.

XIII. As to claim 11, it is noted that Zegelin does not expressly teach the adapter including an Offlink Connection Manager object, a node list, and an I/O data table. Burke et al teach the adapter includes an Offlink Connection Manager object, a node list, and an I/O data table (Figure 1 and col. 5 lines 7-40).

XIV. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Zegelin and Burke et al because both are commonly directed to utilizing communications interface adapter, and Burke et al's adapter having an Offlink Connection Manager object, a node list, and an I/O data table, when incorporated into Zegelin's adapter, would have enabled handling of additional peripherals in the system and communications between them utilizing the Offlink Connection Manager object, the node list, and the I/O data table in the peripheral adapter.

(11) Response to Argument

In the remarks, appellants argued in substance that Zegelin does not teach a first protocol to enable the at least one I/O module to receive the network communications.

In response to appellants' argument that Zegelin does not teach a first protocol to enable the at least one I/O module to receive the network communications, the examiner revisits the prior office action and re-states that Zegelin clearly teaches a first protocol to enable the at least one I/O module to receive the network communications

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(col. 4 line 18 – col. 5 line 32). While in the standard communications protocol mode, Zegelin utilizes the standard communications protocol, control signals as a part of the currently active communications protocol mode, to select another communications protocol (col. 4 lines 18-52). Zegelin's selection process for the changed communications protocol clearly cannot be accomplished without the standard and currently active communications protocol and also the control signals as stated in col. 4 lines 31-41 of Zegelin. As such, appellants' argument is moot in view of the response stated above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

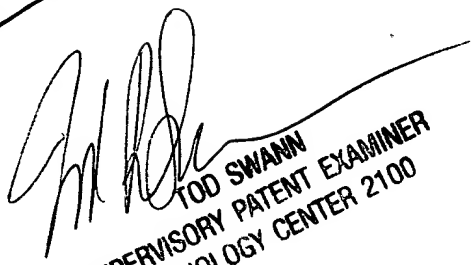


Rehana Perveen
Primary Patent Examiner

January 8, 2004

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